

SEP 18 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage, as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 13, 2006 Signature:

(Paul C. Craane)

Docket No.: 29757/P-510  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

David H. Muir

Allowed: June 13, 2006

Application No.: 09/966,851

Confirmation No.: 4994

Filed: September 28, 2001

Art Unit: 3713

For: METHODS AND APPARATUS FOR  
THREE- DIMENSIONAL GAMING

Examiner: J. Panos

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant has received the Examiner's Statement of Reasons for Allowance. Entry of the Statement into the record should not be construed as applicant's agreement with or acquiescence in the reasoning stated by the Examiner.

For example, applicant notes that the claims do not recite that the user selects whether symbol(s) is/are three-dimensional or kept two-dimensional. See June 13, 2006 Notice of Allowability, page 3. Further, the claims do not recite a first win evaluation and a second win evaluation with three-dimensional and two-dimensional symbols, respectively. See June 13 Notice of Allowability, pages 3-4. Instead, claim 1, for example, recites that the first win evaluation method is a three-dimensional win evaluation method associated with game indicia of game surfaces of different layers ("each layer depicting a game surface such that the game surface appears to be on a different plane than the game surfaces of other layers"), and the second win evaluation method is a two-dimensional win evaluation method associated with game indicia of a game surface of one of the plurality of game layers.

Applicant does agree, however, that Muir et al. (U.S. Patent No. 6,44,664) does not anticipate or render the claims of the present application unpatentable, for the reasons expressed its amendment of June 14, 2005. Consequently, applicant submits that the Notice of Allowability is proper.

Dated: September 13, 2006

Respectfully submitted,



Paul C. Craane

Registration No.: 38,851

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**TRANSMITTAL OF DRAWINGS**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the June 13, 2006 Notice of Allowability, the examiner requests corrected drawings for Figs. 1-25 as originally filed. Attached hereto are twenty-three (23) sheets of formal drawings for substitution for the informal drawings originally filed. It is believed that the content of the formal drawings is the same as the content of the informal drawings, and any difference in content is unintentional.

Dated: September 13, 2006

Respectfully submitted,

By  
Paul C. Craane

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